

110TH CONGRESS  
2D SESSION

# S. 3273

To promote the international deployment of clean technology, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 16, 2008

Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To promote the international deployment of clean technology,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “International Clean  
5       Development Technology Fund Act of 2008”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to promote and to leverage  
8       private financing for the development and international  
9       deployment of technologies that will contribute to sustain-  
10      able economic growth and the stabilization of greenhouse

1 gas concentrations in the atmosphere at a level that would  
2 prevent dangerous anthropogenic interference with the cli-  
3 mate system.

4 **SEC. 3. INTERNATIONAL CLEAN DEVELOPMENT TECH-**  
5 **NOLOGY FUND.**

6 (a) ESTABLISHMENT.—There is established in the  
7 Treasury of the United States a fund to be known as the  
8 International Clean Development Technology Fund (in  
9 this Act referred to as the “Fund”).

10 (b) DEPOSITS TO FUND.—The Fund shall consist  
11 of—

12 (1) amounts appropriated pursuant to the au-  
13 thorization of appropriations under section 8; and

14 (2) any amounts as are or may be appropriated,  
15 transferred, or credited to such Fund under any  
16 other provisions of law.

17 (c) EXPENDITURES FROM FUND.—Amounts in the  
18 Fund shall be available to the International Clean Devel-  
19 opment Technology Deployment Board established under  
20 section 4 for the purposes described under section 5, and  
21 shall remain available until expended.

22 **SEC. 4. INTERNATIONAL CLEAN DEVELOPMENT TECH-**  
23 **NOLOGY BOARD.**

24 (a) ESTABLISHMENT.—Not later than 90 days after  
25 the date of the enactment of this Act, the President shall

1 establish an International Clean Development Technology  
2 Board (in this Act referred to as the “Board”).

3 (b) COMPOSITION.—The Board shall be composed  
4 of—

5 (1) the Secretary of State, who shall act as the  
6 chair of the Board;

7 (2) the Secretary of the Treasury;

8 (3) the Secretary of Energy;

9 (4) the Secretary of Commerce;

10 (5) the Administrator of the Environmental  
11 Protection Agency;

12 (6) the Administrator of the United States  
13 Agency for International Development;

14 (7) the United States Trade Representative;  
15 and

16 (8) other officials as determined appropriate by  
17 the President.

18 (c) ADMINISTRATION OF INTERNATIONAL CLEAN  
19 DEVELOPMENT TECHNOLOGY FUND.—The Board shall  
20 administer the International Clean Development Tech-  
21 nology Fund ensuring that—

22 (1) funds are deployed in a manner that best  
23 promotes the participation of, and investments by,  
24 the private sector;

1           (2) funds are allocated in a manner consistent  
2           with commitments by the United States under inter-  
3           national climate change agreements;

4           (3) funds achieve the greatest greenhouse gas  
5           emissions mitigations with the lowest possible cost,  
6           consistent with paragraphs (1) and (2); and

7           (4) assistance is targeted at reducing or elimi-  
8           nating the increased costs associated with deploying  
9           clean technologies in place of traditional tech-  
10          nologies.

11 **SEC. 5. AUTHORIZATION OF ASSISTANCE.**

12          (a) ASSISTANCE.—The Board, acting through the  
13          Secretary of State, may use the Fund to provide assist-  
14          ance under this section to qualified entities to support the  
15          purposes of this Act.

16          (b) FORM OF ASSISTANCE.—

17               (1) IN GENERAL.—Assistance under this section  
18          shall be provided—

19                       (A) as direct assistance in the form of  
20                       grants, concessional loans, cooperative agree-  
21                       ments, contracts, insurance, or loan guarantees  
22                       to or with qualified entities;

23                       (B) as indirect assistance to such entities  
24          through—

1 (i) funding for international clean  
2 technology funds supported by multilateral  
3 institutions;

4 (ii) support from development and ex-  
5 port promotion assistance programs of the  
6 United States Government; or

7 (iii) support from international tech-  
8 nology programs of the Department of En-  
9 ergy; or

10 (C) in such other forms as the Board may  
11 determine appropriate.

12 (2) OVERSIGHT BY SECRETARY OF THE TREAS-  
13 URY OF ASSISTANCE FOR MULTILATERAL TRUST  
14 FUNDS.—In the case of assistance provided under  
15 paragraph (1)(B)(i) for a clean technology fund or  
16 similar fund that is a multilateral trust fund based  
17 at the World Bank, the Secretary of the Treasury  
18 shall use the voice, vote, and influence of the United  
19 States to promote—

20 (A) the use of the assistance in accordance  
21 with the purposes of this Act; and

22 (B) a requirement that no single country  
23 be eligible to receive more than 15 percent of  
24 the funds awarded by such a fund in any three  
25 year period.

1       (c) USE OF FUNDS.—Assistance provided under this  
2 Act may be used for one or more of the following purposes:

3           (1) Funding for capacity building programs, in-  
4 cluding—

5               (A) developing and implementing meth-  
6 odologies and programs for measuring and  
7 quantifying greenhouse gas emissions and  
8 verifying emissions mitigations;

9               (B) assessing technology and policy options  
10 for greenhouse gas emissions mitigations; and

11              (C) providing other forms of technical as-  
12 sistance to facilitate the qualification for, and  
13 receipt of, program funding under this Act.

14           (2) Funding for technology programs to miti-  
15 gate greenhouse gas emissions in eligible countries.

16       (d) QUALIFIED ENTITIES.—A qualified entity re-  
17 ferred to in this section is—

18           (1) the national government of an eligible coun-  
19 try;

20           (2) a regional or local governmental unit of an  
21 eligible country; or

22           (3) a nongovernmental organization or a private  
23 entity located or operating in an eligible country.

24       (e) SELECTION OF PROJECTS.—

1           (1) IN GENERAL.—The Board shall be respon-  
2           sible for selecting qualified entities to receive assist-  
3           ance under this section.

4           (2) NOTICE AND WAIT REQUIREMENT.—Assist-  
5           ance may not be provided under this section until 30  
6           days after the Board notifies the appropriate con-  
7           gressional committees of the proposed assistance, in-  
8           cluding—

9                   (A) in the case of a capacity building pro-  
10           gram—

11                           (i) a description of the capacity build-  
12                           ing program to be funded through such as-  
13                           sistance;

14                           (ii) the terms and conditions of such  
15                           assistance; and

16                           (iii) a description of how the capacity  
17                           building program will contribute to the  
18                           purposes of this Act; or

19           (B) in the case of a technology program—

20                           (i) a description of the technology pro-  
21                           gram to be funded through such assist-  
22                           ance;

23                           (ii) the terms and conditions of such  
24                           assistance;

1 (iii) an estimate of the additional  
2 amount of greenhouse gas emissions miti-  
3 gations expected due to the use of such as-  
4 sistance; and

5 (iv) a description of how the tech-  
6 nology program will contribute to the pur-  
7 poses of this Act.

8 (f) PARTICIPATION BY GOVERNMENTAL ENTITIES.—

9 In providing assistance under this Act to a national gov-  
10 ernment or to a regional or local governmental unit, the  
11 Board should require as a condition of the assistance that  
12 such governmental entity make appropriate financial con-  
13 tributions to the budget of the project being funded, and  
14 that the project be part of an overall national, regional,  
15 or local strategy for the deployment of clean technology.

16 **SEC. 6. ELIGIBLE COUNTRIES.**

17 (a) DETERMINATION BY THE PRESIDENT.—The  
18 Board shall determine whether a country is eligible for  
19 technology program assistance under this Act based on the  
20 criteria in subsection (b).

21 (b) CRITERIA.—A country shall be considered to be  
22 eligible for purposes of this Act if—

23 (1) the country is eligible to receive official de-  
24 velopment assistance according to the guidelines of  
25 the Development Assistance Committee of the Orga-



1 nization for Economic Co-operation and Develop-  
2 ment; and

3 (2)(A) the country has made a binding commit-  
4 ment, pursuant to an international agreement to  
5 which the United States is a party, to undertake ac-  
6 tions to produce measurable, reportable, and  
7 verifiable greenhouse gas emissions mitigations; or

8 (B) the Board determines and certifies to the  
9 appropriate congressional committees that the coun-  
10 try has in force binding national policies and meas-  
11 ures capable of producing measurable, reportable,  
12 and verifiable greenhouse gas emissions mitigations.

13 (c) REPORT.—Not later than 270 days after the date  
14 of the enactment of this Act, the Board shall submit to  
15 the appropriate congressional committees a report out-  
16 lining the criteria to be used to determine whether a coun-  
17 try is eligible for assistance under this Act pursuant to  
18 subsection (b)(2)(B).

19 **SEC. 7. ANNUAL REPORT.**

20 (a) IN GENERAL.—Not later than one year after the  
21 date of the enactment of this Act, and annually thereafter,  
22 the Board shall submit to the appropriate congressional  
23 committees a report on assistance provided under this Act.

1 (b) CONTENT.—Each report submitted under sub-  
2 section (a) shall include a description of assistance pro-  
3 vided during the reporting period, including—

4 (1) the aggregate amount of assistance provided  
5 for capacity building initiatives and technology de-  
6 ployment initiatives; and

7 (2) a description of each initiative funded  
8 through such assistance, including the amount of as-  
9 sistance provided, the terms and conditions of such  
10 assistance, and the anticipated reductions in green-  
11 house gas emissions to be achieved as a result of  
12 technology deployment initiatives.

13 (c) PERFORMANCE EVALUATIONS OF SUPPORTED  
14 MULTILATERAL TRUST FUNDS.—The reports submitted  
15 under subsection (a) shall provide for the independent  
16 evaluation, not less frequently than once every three years,  
17 of the performance of each international clean technology  
18 fund provided assistance pursuant to section  
19 5(b)(1)(B)(i).

20 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated a total of  
22 \$2,000,000,000 for fiscal years 2009 through 2011 to  
23 carry out this Act.

1 **SEC. 9. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
2 **FINED.**

3 In this Act, the term “appropriate congressional com-  
4 mittees” means—

5 (1) the Committee on Foreign Relations, the  
6 Committee on Finance, the Committee on Energy  
7 and Natural Resources, the Committee on Environ-  
8 ment and Public Works, and the Committee on Ap-  
9 propriations of the Senate; and

10 (2) the Committee on Foreign Affairs, the  
11 Committee on Ways and Means, the Committee on  
12 Energy and Commerce, the Committee on Natural  
13 Resources, the Committee on Financial Services, and  
14 the Committee on Appropriations of the House of  
15 Representatives.

16 **SEC. 10. CONSTRUCTION; AUTHORITIES OF THE SEC-**  
17 **RETARY OF STATE.**

18 Nothing in this Act shall be construed to alter or af-  
19 fect authorities of the Secretary of State under—

20 (1) title V of the Foreign Relations Authoriza-  
21 tion Act, Fiscal Year 1979 (Public Law 95–426; 22  
22 U.S.C. 2656a et seq.); or

23 (2) section 622(c) of the Foreign Assistance  
24 Act of 1961 (22 U.S.C. 2382(c)).

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